

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**LEON WEINGRAD,**

*Plaintiff,*

v.

**RFR CAPITAL LLC,**

*Defendant.*

**Case No. 2:24-cv-02636-JDW**

**ORDER**

AND NOW, this 9th day of August, 2024, upon review of Defendant RFR Capital LLC's Answer To Plaintiff's Complaint (ECF No. 9), I note as follows.

1. Federal Rule of Civil Procedure 11(b) requires counsel to have a good faith belief for any assertion of fact or legal contention in any submission to the Court;
2. This rule applies to the assertion of affirmative defenses, *see Ruth v. Unifund CCR Partners*, 604 F.3d 908, 911 (6th Cir. 2010); *Greenspan v. Platinum Healthcare Group, LLC*, Case No. 2:20-cv-5874-JDW, 2021 WL 978899, at \* 2 (E.D. Pa. Mar. 16, 2021), meaning that parties may not assert affirmative defenses just to preserve them;
3. RFR Capital has asserted ten affirmative defenses, at least two of which appear to lack a good faith basis: the Second, Fifth, and Ninth Defenses.

Therefore, it is **ORDERED** that, on or before August 14, 2024, RFR Capital shall either (a) file an Amended Answer, asserting only affirmative defenses for which it has a

good faith basis to do so, or (b) show cause, in a Memorandum not to exceed 10 pages, why the Court should not strike all of the asserted affirmative defenses, pursuant to Fed. R. Civ. P. 11(c)(3).

**BY THE COURT:**

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.